the Forum

25 APRIL 2018 THE NEWSPAPER OF ST. JOHN'S UNIVERSITY SCHOOL OF LAW

Leading Legal Ladies: The Women's Law Society

By: SHANDY ABRAHAM
Staff Writer

By the time March rolls around, the spring semester is in full swing at St. John's University School of Law. Besides being the peak of the spring semester, March is also Women's History Month. This month is dedicated to highlighting women's contributions to history, culture, and contemporary society. What better way is there to celebrate Women's History Month than by recognizing the leading ladies in our very own Women's Law Society?

The Women's Law Society promotes education, research, and self-development for women, with the ultimate goal of fostering equality and positive societal change. On behalf of the Women's Law Society (WLS) Executive Board, Katy Baldwin '18, President, and Jasmine Brown '19, Director of Events, graciously took the time to share some of their thoughts on the mission of the organization, Women's History Month, and the role of women in law school communities and in the legal profession.

Both Katy and Jasmine were inspired to step up to leadership positions in the WLS for various reasons. Katy thought that the WLS had been a bit dormant during her time here. She felt that it was important to revitalize

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DEAN'S TRAVEL STUDY PROGRAM RETURNS TO CHINA

By: REGINA LYNCH
Associate Managing Editor

China has roughly 140 million visitors each year, and this year those visitors included members of our very own St. John's Law family! Sixteen eager students went on an unforgettable journey to China through the Dean's Travel Study Program. The Program was led by Dean Michael A. Simons, Assistant Dean for Graduate Studies Sarah Jean Kelly, and St. John's alumni Bingjie Liu ('15 LL.M., '17 L), Rui Zhang (17 LL.M), and Joshua Alter ('13).

The Dean's Travel Study Program is in its sixth year, with this trip marking the program's second visit to China. The trips to China are the result of the Law School and Graduate Studies Program's growing relationships with Chinese law schools which, in turn, have also led to fostering relationships with Chinese law firms and the Chinese court system.

"We wanted to capitalize on those relationships to provide our American J.D. students with an on-the-ground, hands-on, deep-dive into China, the Chinese legal system, the Chinese legal education system, and Chinese culture," said Dean Simons. "This is a comparative law experience. And there is no better way to study another country's legal system and compare it to ours than to immerse yourself in it by being on the ground."

The Program allowed students to visit and experience major areas of China. Over the course of ten days, the group visited Shanghai, Xi'an, and Beijing. The students visited a multinational law firm, as well as Chinese law schools where they attended lectures on China's rule of law, culture, and history. They also had the opportunity to meet and talk with students in Xi'an and Beijing. These meetings and lectures allowed students to compare the Chinese and American legal systems and discuss the similarities and differences between the two systems.

"Our focus, or at least a part of it since the beginning, was on the idea of the Rule of Law, and in delineating how that idea presented itself in the arguably different dynamics of the Chinese society," said Parm Partik Singh ('18), for whom China had been a bucket-list destination. "With that, our interactions with the students and lawyers there revolved around ironing out the foundational similarities in the two systems that could ultimately be utilized in closing

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Women's Law Society Hosts Women's History Month Reception

the organization to let women know they have a voice and presence in the law. WLS provides the opportunity to share experiences as female law students and to strengthen professional connections. Some of the WLS's goals for the current academic year include voicing concerns about specific issues, providing a more resource-rich network at St. John's, and letting 1Ls know that their growth will be encouraged and supported.

Meanwhile, Jasmine, through her involvement in Ms. JD, a national non-profit organization that promotes women in the legal profession, and the National Women Law Students Organization, was able to see what other women's law societies were doing across the country and realized that the WLS at St. John's needed to do more. She wanted to make the St. John's WLS a more well-known, visible presence in our community.

Under their leadership, the WLS sought to highlight the accomplishments of women in the law by hosting its first Women's History Month Reception on Tuesday, March 13th at Willkie Farr & Gallagher LLP. The event honored three notable alumnae: Krista Miniutti '96, Partner, Simpson Thacher & Bartlett, LLP; Ashley E. Kloepfer '11, Staff Attorney, Brooklyn Defender Services; and Michelle M. Johnson '05, Director of Production Legal at Sony Pictures Entertainment. Katy believed this reception could serve as the WLS's flagship event, an opportunity to build bridges between students and recent alumnae and to celebrate their contributions to the legal profession. Jasmine shared that the WLS had been planning this event since the summer as a way to honor former female students who have risen to the top of their respective legal fields, and she was happy with the diversity of the honorees.

Katy and Jasmine also discussed their female role models, provided insight into some obstacles faced by women, and delivered closing remarks on the WLS's importance and its future endeavors. Katy chose Ruth Bader Ginsburg as her favorite female role model. Katy believes that Justice Ginsburg has done much to advance the cause for women's rights and equality by using a strategic approach with humility and brilliance. She always looks forward to reading Justice Ginsburg's opinions and witty remarks. Jasmine chose Michelle Obama because she admires how much Michelle Obama was able to accomplish before becoming First Lady. Notably, Michelle Obama had her own successful legal career in both private practice and public policy. Jasmine is looking forward to reading her autobiography.

Katy also stated that she believed women of earlier generations faced difficulties obtaining entry into law schools, while the women of our generation are learning how to be unapologetic in our pursuits into professional spaces. She posited that women sometimes struggle with lack of confidence or self-doubt, both of which are undeserved. Katy feels that it is important for women to be unabashed when expressing themselves. Similarly, Jasmine believes that women need to recognize that they deserve to be heard and seen. She believes that sometimes women are too polite or back down when they are spoken over or dismissed, and they need to learn how to address these situations early on, so that it does not continue into their careers.

Finally, Katy noted that this year has been a big year for dialogues for women in the workplace. Women's issues are at the forefront of people's minds, so it has been a crucial time to work with other organizations to bring a holistic awareness about women's issues to the St. John's Law community. The WLS has been trying to capitalize on this new level of empowerment for women by bringing people into conversations and bridging communities. Jasmine mentioned that the executive board is really proud of the work that has been done to revitalize the WLS, and she is looking forward to being even more active next year.

Thank you very much to both Katy and Jasmine for sharing your inspiring words of wisdom. Stay tuned for further updates from these leading legal ladies!

St. John's Law Welcomes Four New Faculty Members

Last year we added two great faculty members: Professors Kate Levine and Rachel Smith. This year, St. John's is very proud to announce that it will add four new faculty members in fall 2018.

Sheldon A. Evans joins the full-time faculty as assistant professor of law, bringing with him noteworthy practice experience. After receiving his undergraduate degree with honors from the University of Southern California, he earned his J.D. from the University of Chicago Law School, where he served on *The University of Chicago Legal Forum*.

After law school, Professor Evans practiced law as a litigation associate at Gibson, Dunn & Crutcher LLP. He served as a federal law clerk in the U.S. Court of Appeals for the Eighth Circuit and then returned to Gibson Dunn, where he rose to senior litigation associate with a practice focused on legal malpractice, complex contract disputes, and labor and employment law. He also devoted a significant portion of his practice to pro bono advocacy for clients seeking immigration relief.

While practicing law, Professor Evans also published several law review articles focusing on criminal law and procedure, with weavings of constitutional interpretation, legal history, and public policy. He will teach Professional Responsibility at St. John's Law this fall.

"I am excited and honored to join the faculty at St. John's University School of Law, which has a distinguished history of training generations of successful and insightful legal professionals," says Professor Evans, "I look forward to contributing to what makes St. John's such a special place to learn and explore the law, which is putting students first and challenging them intellectually."

Also joining the full-time Law School faculty as assistant professor is **Kate Klonick**, who will teach Property this fall.

"It's incredibly exciting to join a law school that has faculty as talented as they are warm and who share a demonstrated commitment to not only teach, but truly support their incredibly talented and hard-working student body," Professor Klonick shares.

After graduating with honors from Brown University, she earned a J.D. from Georgetown University Law Center, where she was Senior Editor on the *Georgetown Law Journal*. She served as a federal law clerk in the Eastern District of New York and in the Second Circuit. Professor Klonick also received a Ph.D. in Law from Yale Law School, where she was a resident fellow at the Information Society Project.

Centering her research on law and technology, and using cognitive and social psychology as a framework, Professor Klonick's work explores how networked technologies have transformed the way that social norms shape legal and non-legal regulation. Most recently, she has studied and written about how social media platforms such as Facebook, Twitter, and YouTube have fundamentally altered the rules governing online speech. Her forthcoming article on that topic—*The New Governors*—will appear in the *Harvard Law Review*.

Professor Klonick's work has also appeared in The *Georgetown Law Journal*, the peer-*reviewed Copyright Journal of the U.S.A.* and *The Maryland Law Review*. She has also written for the *New*

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The Supreme Court Has A Diversity Issue, And It Has Nothing To Do With Race Or Gender

By: JASON LASALA
Editorial Editor

Before President Ronald Reagan's appointment of Sandra Day O'Connor in 1981, one could describe the U.S. Supreme Court in 3 words: "old, white, and male." In 2018, if faced with the same task, one could simply say: "Harvard, Yale, and Columbia." Those are the law schools of the current slate of Justices, and Columbia is only on the list because Justice Ruth Bader Ginsburg transferred there from Harvard after her second year. Since 1975, only two Justices appointed to the bench have not come from Harvard or Yale: Sandra Day O'Connor, of Stanford, which was recently ranked as the second-best law school in the nation, and John Paul Stevens, of Northwestern, which ranks as the eleventh-best law school in the nation. While the High Court is as diverse now as it has ever been in terms of race and gender with two minorities on the court—Sotomayor and Thomas—and three women on the bench—Sotomayor, Ginsburg, and Kagan—it seriously lacks academic diversity. Out of the 204 ABA accredited law schools, only three schools are represented by our nation's highest court.

Whether we like it or not, our perspective on the law during our careers will in some way be based on and shaped by how the St. John's Law faculty taught us. For example, anyone from the class of 2018 who practices personal injury law will approach their cases, directly or indirectly, based on what they learned from Professor Lawrence Joseph. While I am biased in thinking that St. John's Law students are the best and the brightest in the country (and should be on the Court), if I were arguing a personal injury case, as much as I admire Professor Joseph, I would not want nine of his protégés deciding the outcome. They may all judge the merits in a similar fashion, which may not be favorable to my client. Instead, diversity of educational background would usher in a multiplicity of viewpoints that would lead to a more well-rounded adjudication.

Critics may argue that the current Justices bring diversity to the bench not from their education but from their upbringing. But, that argument does not really hold true, because currently four Justices are from New York, with three from one of the five boroughs, and two are from Northern California. Some may also argue that Harvard, Yale, and Columbia are among the best law schools in our nation, so they should have a monopoly on the Court. However, disqualifying a person as a candidate to be a member of the Supreme Court solely based on their school is as foolish as disqualifying someone because of the color of his or her skin or his or her gender. Everyone that graduates law school in 2018 will have the same degree, regardless of if one attends Yale or St. John's; it's what we do after we walk across that stage that should matter. If a nominee has a resume that exhibits stellar achievements, an ability to be an impartial jurist, and high moral character, that should be enough to earn him or her consideration for a seat on the High Court.

A St. John's student may ask: "Has any St. John's Law graduate been on the U.S. Supreme Court?" Unfortunately, the answer is no. For a brief window, there was the hope that Former New York Governor Mario Cuomo ('56) could change our luck, but he took his name out of contention minutes before Bill Clinton was supposed to nominate him for the seat; that seat was ultimately given to Justice Ginsburg in 1993. It has been twenty-five years since a St. John's alum had a chance to sit on the bench. I believe it is time that our law school, or any law school not named Harvard, Yale, or Columbia, has another chance.

Dean's Travel Study Program Returns To China

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the gaps created by the differences."

Students also had the rare opportunity to visit a Chinese appellate court, where they met with the Vice Chief Judge and got a tour of the court and the clerk's office. "We got to watch an oral argument in an appeal, even though it is extraordinarily unusual for outsiders to see the inner workings of a live Chinese court case," said Dean Simons.

In addition to learning about China's law and history, the students experienced China's rich and diverse culture through its people and cities first-hand. "Shanghai was more built up, like London or New York," said Bryant Gordon ('18), who became interested in the program after tutoring St. John's students from China in English. "Xi'an was smaller and more authentic. Beijing was my favorite because it was a middle ground. It was a city, but also more traditional. But the people everywhere were always very gracious and kind."

Perhaps the most rewarding parts of the trip were the personal learning experiences the students brought back and the value of immersion in an entirely new culture. "What's striking to me about the experience is watching our students experience China for the first time," said Dean Simons.

"It changed my perspective on China in general," said Gordon. "Seeing things on my own was a cool experience—I could see that China was not that different from the United States in some aspects, but still very different in others."

"The trip has changed me in more ways than I expected," said Singh. "That's due to all of the memories I have brought back; be it the jovial spirit of the Chinese students, the too-good-to-be-true infrastructure we encountered, or the magnanimity of the culture that was conveyed to us via countless planned and unplanned activities. In retrospect, it was one the most eye-opening choices that law school allowed me to make."

Passing A Clean Dream Act

By: ANJELICA MANTIKAS
Student Contributor

Being an American should mean more than piece of paper that confirms one's status. This is the message of the Dreamers as they fight for legal status in this country. While most people have heard the words "Dreamers" and "DACA," there are very few people outside the immigrant rights community that actually understand the program. In 2001, the Dream Act was introduced; however, Congress has failed to pass it. As a result, the Obama Administration created the Deferred Action for Childhood Arrivals (DACA) program in June 2012. This program allows undocumented immigrants who came to America as children to finally come out of the shadows by allowing them to work and live here legally. Under this program, eligible applicants who meet certain age and educational requirements can apply for a two-year renewable status where they can work and remain in the United States legally.

DACA recipients are embedded in the fabric of this country. They are American in every sense of the word, but they simply do not a piece of paper with the stamp of approval. There are almost 700,000 DACA recipients despite there being a DACA-eligible population of almost 2 million. According to the Pew Research Center, two-thirds of DACA recipients are ages 25 or younger and a majority are women. In addition, around 900 DACA recipients currently serve in our military. When speaking with people who have DACA, they have told me about the sense of belonging that they feel here in the United States. They are our classmates, schoolteachers, nurses, future doctors, small business owners, and lawyers.

Unfortunately, the Trump Administration ended DACA in September 2017, declaring a deadline of March 5, 2018 for those whose status would expire before then to renew. Contrary to the continuous tweets he posted claiming he did not want the program to end, he decided to stop the program completely in its tracks. Additionally, while our President was busy tweeting about DACA, several challenges made their way through the U.S. Court system. Due to federal court orders, the program must continue while these cases are being litigated throughout several circuits. In a court order denying the Government's motion to dismiss, and requiring the U.S. Citizenship and Immigration Services (USCIS) to continue to accept renewal applications, Judge William Alsup of the Northern District of California actually quoted Trump's tweet to prove his point: "Does anybody really want to throw out good, educated, and accomplished young people who have jobs, some serving in the military? Really!....." A small victory for DACA, but these small victories in our court system are not enough . . . we need a permanent solution. We need the Dream Act.

Currently, there is a legislative solution on the table. In July 2017, the 2017 Dream Act was introduced in the Senate, and it has remained in the Senate Judiciary Committee ever since then. Essentially, the bill directs the Department of Homeland Security (DHS) to cancel removal and grant lawful permanent resident status on a conditional basis to aliens who (1) were continuously physically present in the United States for four years preceding this bill's enactment; (2) were younger than 18 years of age on the initial date of U.S. entry; (3) were not inadmissible on criminal, security, terrorism, or other grounds; (4) have not participated in persecution; (5) have not been convicted of specified federal or state offenses; and (6) have fulfilled specified educational requirements.

The arguments against passing the Dream Act are scarce. Anti-immigrant groups are attempting to dehumanize undocumented immigrants as people who are unworthy of receiving legal status. One of the most prominent of these groups is the Americans for Legal Immigration PAC (ALI PAC). ALI PAC incorrectly blames "illegal aliens" as the reason that "millions of American citizens are out of work." However, the cheap labor argument in relation to Dreamers fails. Dreamers have work permits, which allow them to work legally and be paid a legal salary. Economists predict that ending DACA will lead to a $280 billion reduction in U.S. economic growth over the next decade. Additionally, the group advocates for "sending illegal immigrants home" as the only way to save our country from "an unending tsunami of illegal immigrants from over populated, destitute, gang ruled, 3rd world nations." But for Dreamers, America is their home. Dreamers are individuals who have entered the United States at some point between a few days after they were born to before they turned 16 years old. These are individuals who are woven into the fabric of our country and make positive contributions to the United States.

Passing the Dream Act would elevate the lives of individuals who truly are American in every sense of the word. Our country cannot be a symbol of freedom, human rights, and justice if we treat our most vulnerable populations as second-class human beings. While Congress holds the legal status of Dreamers hostage, citizen family members and friends of undocumented immigrants are watching and waiting. And, they will remember those who stood up for immigrants when they vote in the 2018 elections.

"Regulating Firearms" Is Not a Euphemism

By: MICHAEL ANGELINI
Editorial Editor

The passage of Florida's recent gun control measures has established a remarkable precedent: even dogmatically pro-gun states can enact sensible, albeit far from individually curative, firearm regulations. The Marjory Stoneman Douglas High School Public Safety Act, named after the site of America's most recent high-profile mass shooting, is designed to prevent gun violence in Florida schools by (1) prohibiting the possession or sale of bump stocks; (2) creating a three-day waiting period for all firearms sales; (3) raising the minimum age to 21 for all firearms purchases; (4) prohibiting the sale of firearms to people with mental illnesses; (5) allowing officers to petition the courts to seize firearms if they believe a person poses a danger to themselves or others; (6) allowing certain school staff members to carry guns on campus, but not in classes; (7) increasing funding for school safety initiatives, such as increasing the number of police officers stationed at the state's schools; and (8) expanding the availability of mental health services to students. Following Florida's lead, Vermont enacted legislation raising the minimum age for the purchase of firearms to 21 and allowing judges to seize guns from people they determine are dangerous. Illinois also enacted legislation, subject to the Governor's approval, requiring all firearms dealers to be licensed by the State.

This article is not intended to be an anti-gun tirade. In certain circumstances, I wholeheartedly believe in the right of law-abiding citizens to own and operate firearms. Instead, I intend to alleviate the concerns of those who believe that firearm regulations are a part of some malevolent scheme to deprive Americans of their liberty. Although there may be few people in New York City concerned with firearm restrictions, this article may also prove instructive for those who have found the "taking all of the guns away" argument fairly unpersuasive.

As an initial matter, there is a fairly large distinction between criminal gun violence and senseless gun violence. A common explanation for dismissing firearm regulations is that they do little to prevent criminals from accessing guns, and make law-abiding citizens more vulnerable. However, whether criminals have access to firearms is irrelevant to the national security issue at hand. The prevailing reason why criminals break the law is that they intend to gain something – whether monetary, proprietary, or otherwise – and they usually have a vested interest in surviving and avoiding prison time.

Mass shootings, on the other hand, are senseless when not motivated by religious extremism and inherently can't be deterred even when they are. Mass shooters have opened fire on churches, schools, movie theaters, and retirement facilities. These shooters tend to die, turn themselves in, or get arrested without incident. Consequently, mass shootings are a national security concern for the same reason that armed conflict with belligerent nations or organizations would be: that Americans would be killed indiscriminately as a result of them. Acknowledging what gun-control measures fail to do regarding murder rates among non-mass shooters is irrelevant. Whether any such future measures are effective should only be determined by their application to actual mass shootings.

Firearm deregulation is anomalous in the sense that, unlike any other category of law, it is often justified by the ineffectiveness of individual gun regulations to completely eradicate all gun violence. However, despite the fact that murder and drugs are universally prohibited in the United States, people still frequently kill others and do drugs. Yet no one would seriously argue that anti-meth or anti-murder laws are inherently arbitrary. Likewise, while stricter gun regulations will never be a universal cure for mass shootings, incrementally diminishing the availability of firearms will, at the very least, do something to mitigate the problem. Allowing policymakers the liberty to experiment with firearm-control measures will put them in a substantially better position to determine what works and what doesn't, and to enact more narrowly-tailored and less unduly burdensome gun regulations for their respective constituencies.

Moreover, the slippery-slope argument is inapplicable here because absolute firearm confiscation from all American gun owners would be logistically impossible. The federal government does not have the time, resources, or constitutional authority to confiscate the 350 million firearms currently in the United States, and any attempt to do so would be political suicide.

With this in mind, here are some suggestions of limited measures which may mitigate mass-shooting violence, but should also be fairly palatable to gun owners:

Longer Waiting Time. Waiting times are generally designed to provide would-be violent offenders with a "cooling off" period to calm down, which can prevent them from erratically shooting someone. Even if a proposed regulation does not exempt current gun-owners from the waiting period, those who already own firearms will, at the very least, have something to use when conducting lawful shooting-related activities until the waiting period expires. And those who do not own guns but are trying to purchase them for the first time may be deterred from murder.

Smaller Magazines. Smaller magazines may make firing a gun somewhat more cumbersome and may require increased purchases, depending on what kind of shooting is intended. Nevertheless, the same inconveniences would exist during mass shootings, affording law enforcement officers and bystanders some breathing room to neutralize threats. For example, the gunman who shot Arizona Representative Gabrielle Giffords and several others was stopped when bystanders prevented him from reloading his rifle.

Assault Rifle Caliber Restrictions. While banning all assault rifles outright is a bit too extreme at the moment, placing certain restrictions on the

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St. John's Law Introduces Four New Faculty Members

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York Times, Vox, The Atlantic, Slate, and *The Guardian*, among other publications. She is an affiliated fellow at the Information Society Project, at Data & Society, and New America. She shares her work and ideas on Twitter @klonick.

Anna Roberts, a scholar of evidence and criminal procedure, comes to St. John's Law as a visiting professor from Seattle University

and will teach Evidence and the Contemporary Criminal Justice Seminar this fall.

Roberts holds a B.A. and an M.A. from the University of Cambridge, where she graduated first in her class in Classics, earning a Starred First with Distinction. She received her J.D. *magna cum laude* from NYU School of Law, where she was a Dean's Scholar, a Florence Allen Scholar, and a Member of the Order of the Coif. Professor Roberts began her academic career at NYU School of Law's Lawyering Program. Her practice experience includes several years as a public defender with the Neighborhood Defender Service of Harlem, and a federal clerkship in the Southern District of New York.

With a scholarship focus on assumptions and stereotypes that contribute to, and are fueled by, criminal records, Professor Roberts's articles have been published, or are forthcoming, in leading journals, including the *University of Chicago Law Review, Washington University Law Review, Boston University Law Review, Minnesota Law Review, Boston College Law Review, Alabama Law Review, U.C. David Law Review*, and a forthcoming book chapter with the Oxford University Press.

Reflecting on her new role, Professor Roberts says, "I'm inspired by St. John's because it offers the best of what New York City offers—diversity, boldness, and limitless opportunity—and because it partners with students to develop the law and pursue justice."

The newest member of the Law School's legal writing faculty, **Kayonia L. Whetstone**, is

also delighted to teach at St. John's.

"Throughout my years as a practitioner, I've learned that good legal writing is an essential tool for every attorney," Professor Whetstone said. "So I'm tremendously excited to work closely with students and to help produce scholars who are exemplary advocates and confident in their abilities to serve global communities."

After earning her undergraduate degree from Wesleyan University and her J.D. from Howard University School of Law, Professor Whetstone practiced appellate law for 15 years as an assistant district attorney in the Bronx and Queens. In that role, she honed her legal writing and courtroom skills handling a range of criminal appeals, motions, and petitions involving complex legal issues in New York's state and federal courts.

That practical experience informs Professor Whetstone's approach to teaching students from diverse backgrounds at the Law School. "My instructional approach is considerate of learners of different backgrounds and abilities, and employs strategies that thoughtfully engage and assess a person's oral advocacy, writing, and research abilities," Professor Whetstone said.

She added, "I was impressed that St. John's Law encourages its faculty to serve as instructors and mentors for students in addressing the complexities of navigating coursework, internships, and personal life trials."

ATTN: Calling All Authority-Questioners

By: ADAM MYREN
Staff Writer

"Who's going to watch the watchmen?" That's what Professor Charles Bobis asked me when I interviewed for the Criminal Defense Clinic.

After discussing my grades and schedule, and dispensing with the usual interview topics, we dove into overarching criminal law theories. What I thought would simply be another interview ended up being a morally energizing conversation. Despite being an intellectually and experientially lop-sided conversation between a law school 1L and a man who has dedicated his life to studying and teaching criminal law and defending indigent clients, we were nonetheless able to discuss a variety of topics affecting the criminal justice system. We talked about the importance of challenging authority, the implications of imprisoning someone and taking away his or her freedom, the stark inequality of incarceration rates between the wealthy and the indigent, and the fact that minorities lose their freedom at vastly higher rates than non-minorities.

It became clear that joining the Criminal Defense Clinic and the Brooklyn Defender Services (BDS) wasn't going to be all sunshine and daisies, but that question, "who will watch the watchmen?", is what solidified my decision to sign-up. The phrase is best known today from Alan Moore's Watchmen comic, but it has much older roots in first or second-century Rome in the poetry and satires of Juvenal who wrote: "*Quis custodiet ipsos custodes*?" which translates to, "Who will guard the guards?" The question essentially asks, "Who will hold those in power accountable?" If power corrupts, and absolute power corrupts absolutely, then who will stand up for the powerless as they face systemic oppression? As a person who likes to question the status quo and prefers to root for the underdog, I figured I had come to the right place for a clinic experience.

According to the 'About Us' section of Brooklyn Defender Services website:

"*Many of our clients are people with a mental illness. Many of our clients are under the age of 18. A growing number are veterans facing difficulties in returning home. A large portion are suffering with drug addiction or alcoholism. It is only through a zealous voice advocating for those unable to speak for themselves that justice is done. BDS is that voice*." The Legal Aid Society, which also partners with the Criminal Defense Clinic, dedicates itself to one simple but powerful belief: "that no New Yorker should be denied access to justice because of poverty."

Now, as I approach the end of my year-long clinic with the BDS, I couldn't be happier with my decision; I'm more motivated than ever to continue my work at BDS this summer and to continue to seek the answer to Professor Bobis' question.

I'll share some experiences that made me appreciate the role of the public defender and helped me obtain real-life courtroom advocacy skills as a 2L. I do so with hopes that others who are interested in either public defense work in particular, or just developing their advocacy skills in general, consider applying for the Criminal Defense Clinic.

The Criminal Defense Clinic consists of a practice component, where students work two full days at either BDS or the Queens Legal Aid Society, and a weekly seminar component, led by Professor Bobis (formerly of Legal Aid), Laura Saft (Supervisor at BDS), and Bob Mueller (Supervisor at Queens Legal Aid).

Students enjoy the dual benefits of pairing up with experienced attorneys for practice while simultaneously learning the foundation of criminal defense work in the seminar class. The class is also a place to review the work of classmates and learn from communal experience, especially later in the year when everyone has some experience under their belts.

I was paired up with Maryanne Kaishian ('15), a St. John's alum. On a typical day, she took me to court with her, introduced me to clients and their families, and then, upon getting back to the office, filled me in on what actually happened in court and how that affected our representation of the client. My days started with a lot of shadowing, transitioned to writing assignments, and concluded with participating in arraignment proceedings.

Participating in these "arraignment shifts" is where I grew the most as a law student and future litigator. After a few days of shadowing other attorneys as they met with clients who had been arrested and charged with crimes, I was able to conduct arraignment proceedings and appear on the record. A typical arraignment shift

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Roadmap For The Rest Of Our Lives

From the "First Day Dean Selfie" to Carnesecca Arena

By: JOSHUA SOARES
Student Contributor

To the Class of 2018, our long, strange journey through law school has finally come to an end. We have definitely changed in our time here, and even though we will no longer walk these hallowed halls as students, St. John's will always remain a part of us. St. John's has taught us all how to be more analytical and critical thinkers, along with providing us the tools to succeed in our future profession.

But while St. John's has prepared us for the legal profession, it has also prepared us for the rest of our lives. So I'm here to present all the lessons we have learned here in a roadmap for the rest of our lives. The most important lessons I learned at St. John's were: (1) purpose matters; (2) shut up and listen; (3) we get to decide; and (4) impossible is only a word.

PURPOSE MATTERS

For those of us lucky enough to take Evidence with Professor Vincent Alexander ('75) before he took a well-deserved retirement, you know this statement so well. The statement's importance was for how to enter something into evidence, and that what may be thought of as improper may actually be acceptable depending on the purpose. But the lesson here goes much deeper than just evidentiary reasons.

Every day for the rest of our lives, our purpose matters. As former Vice President Joe Biden is fond of saying, "My dad used to have an expression – 'It is the lucky person who gets up in the morning, puts both feet on the floor, knows what they are about to do, and thinks it still matters.'" We have the privilege of going into work and knowing that what we do matters. No matter the issue, we are advocating for our clients on what is most likely the most important issue in their lives. And we're so lucky to be able to do it for the rest of our lives.

SHUT UP AND LISTEN

I've heard this countless times in many classes. Professor Rosa Castello ('06) in Legal Writing explained that whenever a judge speaks, you better shut your mouth and listen. Every trial advocacy class will tell you that whenever a witness is speaking, you need to just listen to what they're saying.

This is great advice for life. Too often, we believe we know what the answer is going to be and never really listen to what's being said. Or we're so convinced that we're right and we must make our point. Or that loudness equals correctness, so we drown out the voices of others. The Good Lord decided to give us two ears and only one mouth. And in my case, He gave me exceedingly large ears. There's a reason for that. If we could listen more to what other people are actually saying and not talk over them, we would learn something from their different experiences and come to a better conclusion. As much as we think being lawyers means we have to talk, I encourage everyone to shut their mouth more often. And, most importantly, listen.

> "So I'm here to present all the lessons we have learned here in a roadmap for the rest of our lives."

WE GET TO DECIDE

"Who gets to decide?" It's the question we've all heard in many classrooms. And it's always meant to challenge students as who should ultimately make the decision on a particular case. This goes for the rest of our lives, and we're the ones who get to decide.

We get to decide what we want to do with the rest of our lives. We get to decide how we advocate and for whom we want to advocate. We get to decide how the future of our communities and country look. We get to decide how we fix the problems plaguing our present to procure a more prosperous future for our friends and families. And we're lucky enough that we get to do this every day.

IMPOSSIBLE IS ONLY A WORD

On our final day of Contracts II, my learned Contracts Professor, Professor Mark Movsesian, read us an excerpt from a story that many of us read when we were in middle school, The Phantom Tollbooth. As you all probably remember, it focuses on a young boy named Milo who is transported to help save the Kingdom of Wisdom. After successfully saving the Kingdom, Milo is reminded about an important point that couldn't be brought up before he completed his quest. To his shock, Milo is told that his task of saving the Kingdom was completely impossible. "'Yes, indeed,' they repeated together; 'but if we'd told you then, you might not have gone – and, as you've discovered, so many things are possible just as long as you don't know they're impossible.'"

This is a children's tale, but it still has wisdom for those of us with increasingly more gray hairs and receding hairlines. It's that impossible is only word created by those who have failed before and wanted to make themselves feel better about their failures. Impossible is something that is only waiting to be solved.

When you think about law school, so much of it seems impossible. If we were told about everything law school entailed at the beginning, we probably would have agreed it seems impossible. I know I've never before vacillated so much between "I have no idea how this is getting done" and "this is DEFINITELY not getting done." But in the end, we all got it done somehow. We got it done because we had so much help, from our professors and friends. And we made the impossible possible.

While there are so many other great lessons learned, such as Professor Jeff Sovern's "too bad, so sad, life is filled with pain" and "constant review" mantras, Dean Simons' failure to perfectly rap "My Shot" at every Public Interest Auction, or the fact that every single directory in this school, in a cruel twist of irony, has the office of "Academic Achievement" misspelled (go look, it's true!), the above four are my favorite and most-cherished lessons I will take away from St. John's.

So, to the Class of 2018, just remember for the rest of your lives: purpose matters, shut up and listen, we get to decide, and impossible is only a word. Use this roadmap and these lessons, and we'll make the world the place it could and should be. I firmly believe everyone in this class has enough talent to set this world on fire, and if we all remember these valuable lessons, together we'll set it ablaze.

Now let's go do it.

Does the Law School Have an Undergrad Problem?

By: NICK DiMARCO
Staff Writer

It's 9:20 AM, you've just arrived at the law school for your morning class, and there's just enough time for you to grab a cup of coffee from Starbucks. Or so you thought. Much to your chagrin, there's a line extending all the way past the tabling Barbri reps, and you don't even recognize any of the students in line. Why is one carrying a Biology textbook? And how do they have so much time to waste on ordering? "Can I have a tall, non-fat latte with caramel drizzle—oh, on second thought, make it a soy latte. And ten pumps of vanilla, please!"

Such encounters with St. John's undergraduate students are common at the law school. They range from the genuinely positive—as when you check out a book from the library and discover that the girl working the desk wants to come to the law school after she finishes her political science degree—to petty annoyances—like the Starbucks line noted above—to the genuinely intrusive—as when spaces designed for law students are overcrowded. Until recently, undergrad migration to the law school was rarely discussed. That all changed with the 2018 SBA elections, which brought the issue to the forefront for the first time.

In her bid for the SBA Presidency, President-elect Mary Curry ('19) included in her platform the goal of "restrict[ing] certain areas for law-student use only," a nod to proponents of a harder stance on undergrad access to the building. Noting that "the Student Bar Association office and the Solarium are often plagued with undergraduate students," Day Vice President candidate Patrick Conklin ('20) promised "to ensure that some areas of the law school are for law students and faculty only." He continued, "It is incredibly hard to instill a sense of community amongst law students when undergraduate students are clogging up all the common spaces." Josh Lahijani ('19), a recognized firebrand in the undergrad debate, took the toughest stance in his candidacy for Secretary: "Undergrads are in the Solarium and in our SBA Lounge. They congest our halls and converse while we—try to—study. Your cries for reprieve remain unanswered . . . . [But] [w]hen I am Secretary, your calls for change will not go unheard."

As the issue gains political traction, we should ask ourselves the following questions: Should undergrads have unlimited access to the law school building, or should such access be restricted? And if so, which locations should be off limits?

Because the issue elicits sharply different views of how the law school community should define itself, this article dispassionately assesses the arguments put forth by various administrators, individuals, and groups—including the incoming and outgoing SBA administrations. Only then will it endeavor to answer the question: "Does the law school have an undergrad problem?"

First, it is worth examining the current legal landscape on undergrad access to the law school. Undergrad students do not have Stormcard access to the law school library; nor are they permitted to use the Solarium, pursuant to an express, albeit sparingly enforced, restriction placed at points of entry.

> "Hardliners will respond that increased enforcement does not go far enough."

From there, things are less clear. Undergrads often sun bathe in the Atrium, a favorite place for studying and law school events. Classrooms are also a free-for-all, and the law school cafeteria—known as one of the best dining options on campus—is a watering hole for undergrads and law students alike. Perhaps most notorious is the SBA Study Lounge, which operates as a verifiable sanctuary city for undergrads who have worked out a de facto agreement with the current SBA Administration under President Michael Fufidio ('18).

Thus, the current situation is characterized by murky rules, lax enforcement, and growing disgruntlement. Perhaps it is worth pausing at this point to ask, given the contemporary state of affairs, why not do away with the unenforced restrictions in favor of an open-border policy? For starters, Public Safety has more pressing concerns and hardly enforces the rules on the books; in fact, the random I.D. checks they conduct can burden law students as often as they catch rule-breaking undergrads. Further, law students have access to the undergrad library, the University gym, Taffner Field House, and the dining halls across campus; why not, in the interests of reciprocity, grant the same unlimited access to undergrad students? Many St. John's undergrads who decide to pursue a legal career end up at the law school as well—would blocking their entrance discourage them from continuing their legal education as a Johnny? We are all part of the St. John's family, after all.

These arguments, while reasonable, fail to adequately acknowledge the impact undergrads have on the law school community. Law students have in common a unique, shared experience of suffering and endurance. No undergrad has gone through 1L year, and therefore no undergrad can understand the stresses and anxieties that law students experience. Further, law school—being a graduate study program—requires a greater level of seriousness than most undergraduate courses and programs. As a result, it tends to attract more mature students. In addition, preserving space for law students builds a sense of community and group identity that strengthens the student body, promotes collaboration, and creates connections, both at the law school and beyond.

For the foregoing reasons, it is not unreasonable for law students to ask for space in which they can focus on their studies and engage as a unit with a unified set of goals: excelling in classes, passing the Bar, and entering the profession. Not only that, but it is in some respects a misnomer to label it an undergrad issue, as many outsiders are pursuing graduate degrees at the University and others attend Queens College or other nearby institutions. At least for the latter category, there is no basis for their use of law school facilities. Furthermore, there could be safety concerns, as they may enter the building unadmitted and without proper vetting. And nothing is more frustrating than when an undergrad student sneaks into a SBA Study Break line to steal a slice of pizza from a hard-working law student.

From the above discussion, two realities emerge: (1) Wholesale prohibition of undergrads from the law school is both infeasible and undesirable, but (2) an open-borders approach is not in the best interests of the law school student body. The issue becomes, then, how and where undergrad access to the law school should be limited.

Cafeteria & Classrooms

Short of placing keycard locks on every entrance into the building, it is impossible to prohibit undergrads from using the law school cafeteria. In any event, such an outcome is as undesirable as it is infeasible. First, the cafeteria is regarded as the go-to place to eat on campus. While that may bother hungry law students, it makes the cafeteria more profitable, which in turn improves the quality and choices therein. Additionally, even at peak lunch hours there is plenty of space in the cafeteria, and our excellent staff (Traci especially) make waiting in lines a non-issue.

That said, there are times when the cafeteria should be limited to law students. For example, the annual St. Patrick's Day Celebration is a uniquely law-student centric event, and the food and drinks should be for law students and faculty to enjoy. Similar arguments can be made for the PIC Auction and Thanksgiving Dinner. These concerns can be adequately remedied by limiting access to those with approved wristbands while the event is taking place, however.

Much of the analysis for cafeteria access holds true for general law school classrooms—there is simply no way to effectively monitor who uses each classroom, short of keycard access on the building entrances. Moreover, law students will always be able to secure a superior claim of right to a classroom by reserving it through special events. Even if a law student fails to reserve a room and is only trying use a classroom because other spaces are crowded (as is often the case during finals), politely asking undergrads to leave will often suffice.

The Library

On the other end of the spectrum is the law school library. Here, an absolute exclusion of undergrads and non-law students is in place and should remain. The rationale for this rule is simple: If we expect our students to succeed, they need a quiet place to study, space for group discussion and debate, as well as access to all of the books and resources the library provides specifically for future lawyers. As noted above, most undergrads have a different level of seriousness than law students; a quick trip to the University Library will confirm this. What's more, undergrads have their own library to use, which provides ample space to study and collaborate. Outside the classroom, the library serves as a primary place of learning for law students, and as such should be a studious environment preserved for the student body. You may have to hush the noisy 1L study group that is really excited to talk about

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The Road Less Travelled

Alternative Careers For Law School Grads

By: MEGHAN LOMBARDO
News Editor

The 3Ls at St. John's Law are on the cusp of crossing the threshold between student and professional. Some 3Ls have entered a state of euphoria at the thought of culminating their lives as students and emerging as sophisticated attorneys. Others have come down with a heavy case of classroom apathy, as the end is so near that effort seems trivial. Why sprint when you're mere steps away from the finish line? Other 3Ls, however, are experiencing a different emotion: stark panic.

Panic can result from a number of conditions: realizing you may have daydreamed in a few too many classes, facing the harsh reality of the UBE looming just ahead, or that you've not quite landed your dream job. While these thoughts are all anxiety-inducing in their own ways, arguably the worst panic results from this one thought: that maybe you don't really want to practice law after all and the past three years have been for naught.

Most law students would be lying if they said the thought never entered their head. Every now and again, a bad experience at an internship or in class makes us think that we're through with the law forever. Then we sulk and ponder why we didn't choose a less rigorous path after college. Sometimes, however, these thoughts are more than fleeting, and we're stuck wondering day after day if we made a wrong choice.

If you are stuck with this lingering thought, the good news is that you are not alone. The better news is that you have options that will not make you feel like the past three years were nothing but a test for your self-esteem.

According to NALP, of the law school graduates in 2016 who shared their employment status, only 67.7% of graduates took jobs which require bar passage. An additional 14.8% of graduates obtained "law-related" jobs (one in which the J.D. degree acts as an advantage in obtaining the job and excelling at it). These "law-related" jobs are often neglected in discussions of viable career options following law school, but they shouldn't be cast aside so readily. There are many fulfilling and even, dare I say it, fun options for those of us with a law degree and serious doubts about actually practicing. This article examines a few viable careers available to those of us who would not be particularly sad to miss our day in court.

Legal Recruiter

Being an internal recruiter for a Big Law firm, or even a non-legal corporation, incorporates many of the skills we've honed during law school. A recruiter must possess a capacity to analyze and understand her employer's staffing needs and general business objectives and rules. Then, the recruiter needs to apply that information to real-life candidates and assess whether they will be the best fit to ultimately fulfill the company's open roles. Analyzing rules and applying it to specific facts? Sounds like a law school final.

After determining that a candidate is the appropriate match for the job opening, a recruiter has to close the deal. This means taking practical lawyering skills, like negotiation, and using them to reach the best option for both the potential employee and the company. Additionally, recruiters get to branch out from traditional legal work by putting together recruiting events and navigating the logistics of the hiring process. Overall, recruiters get the excitement of being involved in a large law firm or company, without the overwhelming hours and tedious associate grunt work.

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Watching the Watchmen: A Look into the Criminal Defense Clinic

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involves the following: going to the 'pens,' immediately behind the courtroom, where all the individuals charged with crimes are kept; interviewing the client; informing them of the charges against them; finding out their story; and, ultimately, appearing in front of the judge with the client for the actual arraignment proceeding.

Interns are almost always given cases where the state is not requesting bail. Nonetheless, there is still opportunity to represent your client professionally and become comfortable in the courtroom. Additionally, there are other opportunities to advocate for your client at the arraignment stage aside from a bail argument.

For example, in a case where my client was charged with criminal mischief for damaging the property of her girlfriend, the state asked for a full order of protection. If the state were successful, my client would be forbidden to be in the presence of her girlfriend. This posed a problem because they had since resolved their differences and were living together. Thus, my client faced the risk of becoming homeless for the duration of the case. So, under the guidance of my supervising attorney, I made the situation clear to the judge and ultimately asked for a limited order of protection, which allowed my client to remain with her girlfriend as long as no wrongdoing occurred. After the ADA and I went back and forth a bit, the judge ultimately ruled in my client's favor and allowed a limited order.

As a 2L in the Criminal Defense Clinic, you can find yourself in court, on the record, arguing against an Assistant District Attorney while in front of a judge! I found this opportunity to be a refreshing break from the classroom. As students, we undoubtedly need to equip ourselves with the knowledge gained from the classroom and casebooks, but as far as practice goes, what better way to test the water than by jumping in?

Not only will you get to sharpen your courtroom skills, but you can do so while benefiting society. You're not just honing skills in an undirected fashion for the sake of practice (as you might do in the mock-trial setting), you're doing so for the betterment of a human standing right beside you. Someone who needs a lawyer but can't afford one privately. Someone who is facing criminal prosecution during possibly one of the darkest times of his or her life. Someone who hasn't had another person in his or her corner for years, or perhaps ever. You get to stand in their corner and be on a person's team when no one else will, with the added bonus of learning real-life litigation skills. This is an invigorating experience.

Allie Cabibbo ('19), member of the Public Interest Center, and fellow student in the Criminal Defense Clinic, says that as a result of being in the Clinic, she now has a strong understanding of what good motions and briefs consist of and, more importantly, of how to quickly and efficiently write them. Allie also said that having memories in the courtroom that she could apply to her Evidence, Criminal Procedure, and Professional Responsibility classes helped solidify her understanding of the court system in general. Finally, when asked if she had any stories to share, she said, "All I can say is getting 15- and 16-year-olds released from behind bars feels damn good."

1Ls and 2Ls, I wish you luck and minimal indecision as you sign-up and interview for clinics. I know it's quite a commitment, and you will have to weigh various factors in deciding whether to join a clinic or not. But, I hope you will consider the Criminal Defense Clinic for its offering of litigation training in the midst of fulfilling, face-to-face work with New Yorkers in need.

Take this chance to stand up to authority in a completely appropriate context, and challenge the system as it comes down on the indigent. After all, someone's gotta watch the watchmen.

If any students have further questions or would like to discuss in more detail, feel free to contact me at adam.myren16@stjohns.edu. I'd be happy to chat.

Lifting Up The Blindfold

Reforming Article 240 Of The Criminal Procedure Law

By: BRIAN DOLAN
Associate Managing Editor

In January 2018, Governor Andrew Cuomo unveiled a five-pronged plan designed to reform New York State's criminal justice system. Among the five reforms is a proposal to overhaul New York's discovery laws that would require prosecutors and defense attorneys to share information incrementally, in a timely and consistent manner, before the case proceeds to trial. The New York State Assembly then introduced a bill to repeal New York's current discovery statute and replace it wholesale.

New York's current criminal discovery statute, Article 240 of the Criminal Procedure Law, is often referred to as the "blindfold law." New York is one of ten states that allows prosecutors to withhold basic evidence until the day of trial. New York ¬– along with Louisiana, South Carolina, and Wyoming – ranks among the most restrictive states in the country when it comes to pre-trial discovery in criminal cases. At least 35 other states, including neighboring New Jersey and Massachusetts, have broad discovery procedures that require prosecutors to turn over critical information, like witness statements and police reports, early in the life of a case, without requiring defendants to file motions with the court to obtain such information. According to the Legal Aid Society, during the last few decades no state that has enacted more liberal discovery rules has later returned to more restrictive requirements.

The District Attorneys Association of New York (DAASNY) has long opposed discovery reform and many prosecutors deny that there any issues with Article 240. Prosecutors typically rely on three main arguments in opposition to changing New York's criminal discovery rules. First, prosecutors argue that the current restrictions on pre-trial discovery are necessary to ensure witness safety. The theory is that witnesses might be subject to intimidation if prosecutors were required to reveal their names and statements to defense attorneys. According to Scott McNamara, President of DAASNY, if the discovery law is relaxed, "we're going to see a huge increase in crime because no one's going to cooperate." Second, some prosecutors argue that defendants should not need to see the evidence to know whether or not they are guilty, and that giving defendants an early look at the evidence would allow them to determine "how likely it is that [they] can 'beat' the charges despite [their] guilt." Finally, the Manhattan District Attorney's Office argues that "there is no empirical evidence that open-file discovery leads to more efficiency," and therefore, reform is unnecessary.

First, while witness safety is a legitimate concern, there is no evidence that witnesses are intimidated more frequently in states with less restrictive discovery laws. Even in New York, witness intimidation occurs despite Article 240's strictures regarding the disclosure of witness' names. Brooklyn District Attorney Eric Gonzalez has said that when witnesses are threatened, the defendants already know who those witnesses are. In other words, witness intimidation already occurs with Article 240 in place and there is no compelling evidence that it will increase if our discovery laws are amended to more closely resemble those in states with less restrictive criminal discovery rules. DA Gonzalez seems to be the voice of reason among New York prosecutors when it comes to discovery practices. The Brooklyn DA's office provides open and early discovery to criminal defendants, and he believes that an open and transparent discovery process can be reconciled with witness safety concerns.

Second, regardless of whether a defendant knows whether or not he or she is guilty, defense lawyers should be able to assess the weight of the state's evidence against their clients, as this is a critical aspect of representing someone accused of a crime. The argument that defendants should not be allowed to determine how likely it is they can "beat" the charges "despite their guilt" is problematic. For one thing, it seems to assume that everyone charged with a crime is in fact guilty and needs to resort to legal chicanery to "beat" the charges, which is certainly not the case. In addition, this is simply the wrong lens through which to view efforts at discovery reform. Proponents of discovery reform simply want a law that provides fair and equal access information to ensure that, where pleas are negotiated they are fair, and that where cases proceed to trial, a fair trial is had. Defendants are presumed innocent, and, as a matter of fundamental fairness, even those who are factually guilty should be able to view the state's evidence before deciding whether to plead guilty or proceed to trial. Not only would early access to evidence facilitate plea bargaining and early disposition of cases during the pre-trial phase, a point we will return to in a moment, but it would also ensure that criminal defense attorneys are able to live up to their Sixth Amendment obligation to render effective assistance of counsel.

> "there is no empirical evidence that open-file discovery leads to more efficiency"

Without discovery materials, defense lawyers cannot adequately advise their clients about any plea offers, putting them in the uncomfortable position of having to advise their clients without critical information. This situation is a recipe for wrongful convictions. This is, in part, because without early pre-trial discovery, it can be very difficult for defense lawyers to ascertain whether the underlying facts support the charges against their clients, or whether there are witnesses who might provide alternative views; and defendants, forced to make critical decisions in an information vacuum, may well prefer to take a plea rather than test their chances at trial, even if they are innocent or if their constitutional rights have been violated.

While it is technically true that defense lawyers can conduct their own independent investigations and interview witnesses, it is also irrelevant and to suggest it as a solution is to engage in burden-shifting. The burden is on the state to produce sufficient evidence; the defense is not required to do the state's job or to produce evidence of innocence. Such a notion also ignores the reality that the state has all of the resources of law enforcement at its disposal and assumes public defender's offices have sufficient resources to thoroughly investigate every single case. In counties like Queens, the situation is particularly severe, because the Queens DA's office only negotiates pleas before indictment, when the law requires no discovery at all. By the time defense lawyers are allowed access to discovery, the option to negotiate a plea is already off the table.

Further, despite the claims of the Manhattan DA's office to the contrary, there is a growing mountain of evidence that open-file discovery facilitates more efficient resolution of cases. Studies published in the *Washington and Lee Law Review* and *New York University Review of Law & Social Change*, as well as a report from the New York Mayor's Office of Criminal Justice, all provide empirical evidence that standardized open-file discovery policies promote quicker case resolutions.

In short, none of the government's proffered arguments in opposition to discovery reform are satisfactory. It should also be clear that the real reason prosecutors so vehemently oppose discovery reform is because, under the current law, they enjoy a significant tactical advantage over defense lawyers and their clients. When it comes to pre-trial discovery, knowledge really is power. Under Article 240 in its current form, prosecutors are able to practice what amounts to legally sanctioned "trial by ambush," withholding relevant information from defense lawyers until right before the start of trial. While some DA's, like Brooklyn's Eric Gonzalez, have declined to follow Article 240 and have adopted more open discovery practices, many other boroughs and counties have not followed suit. The fundamental unfairness of Article 240 should concern all of those who believe that our criminal justice system can be more just.

In his 2014 State of the Judiciary Address, The Honorable Jonathan Lippmann, former Chief Judge of the New York Court of Appeals, said that "robust pre-trial disclosure of evidence and other relevant information" is a "critically important protection against wrongful convictions." Indeed, but the problem goes far beyond wrongful convictions; it goes to the fundamental fairness of our criminal justice system.

Law Students And Undergrad Joining In Lunch Together

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Contracts, but you shouldn't have to police the cubicles for undergrads, who have their own place to study and mingle.

There are, of course, situations where undergrads should have access to the library. For example, many undergrads enrolled in criminal justice courses are required to conduct legal research for class assignments. To do so, they often need access to the law school library. This situation, whenever it occurs, could easily be remedied by having the undergraduate professor contact the law school library's resource team to arrange for his or her students to use the facility for the assignment.

When it comes to undergrads using law school space for course-specific work, communication is key. For example, some PTAI members have expressed frustration at the undergrad mock trial team using the Belson Moot Court room and preventing PTAI members from practicing. No PTAI member should be denied access to a facility she pays for and needs to improve her trial advocacy skills. That said, undergrads who are interested in pursuing a career in the courtroom should be afforded access to Moot Court room as well. As a result, while undergrads should not be allowed to usurp the Moot Court room willy-nilly, the faculty advisor for the undergraduate mock trial team should be permitted to reserve the space at mutually convenient times.

The Solarium

The question becomes more difficult for the Solarium. Located next to the cafeteria, which is a free-for-all, and drenched with glorious sun on pleasant days, a seat and table in the Solarium is a much-sought-after commodity. Unlike in other places, however, there is an express prohibition against undergrads using the space placed on entrance doors, which reads as follows: "The Solarium is Reserved for use by Law School Students and Law School Personnel Only. All Others Please Use the Cafeteria. Thank you." Such a clear injunction cannot go unenforced.

The prohibition makes sense—open spaces like the Solarium are attractive to the student body and provide needed sunlight for students locked in the catacombs of 2M for hours at a time. Lax enforcement of this rule can lead undergrads to disregard other rules, moreover, in turn leading to unnecessary resentment between law students and their undergrad colleagues. The sign also adequately puts undergrads on notice that they are not permitted to enter, so there should be no concerns for due process or upset expectations.

Hardliners will respond that increased enforcement does not go far enough. Instead, they argue that the Solarium should have keycard access and turnstiles. Putting aside the costs of such a project, which would be substantial, there is no reason to conclude that the measure would be effective. Savvy undergrads would simply take the elevator or the staircase to the LL floor and walk up the stairs into the Solarium. Not only that, turnstiles would damage the Solarium's aesthetic appeal (much like those god-awful hunks of metal, masquerading as environmentally-friendly picnic tables, ruin the aesthetics of St. Augustine Hall). In short, while it would be too expensive, and probably ineffective, to install keycard access at Solarium entrance points, Public Safety must better enforce the rules on the books in order to preserve this space for law-student enjoyment and put law students first. Whether that involves a citation system for undergrad violators, or stricter enforcement of the current catch and kick out program is a judgment best left to Public Safety.

The Atrium

Notwithstanding recent repairs, the Atrium serves as a prime venue for law-school events and speakers hosted by a range of student organizations, co-curricular organizations, and journals. When it is not being used for events, the Atrium is frequented by studious law students and teaching assistants, who often hold office hours and review sessions in the space. The sunlight also makes it an enjoyable place to take a break or eat lunch. Therefore, the same rule that applies to the Solarium should be applied to the Atrium: "[parrot text from Solarium sign]." Public Safety should run periodic I.D. checks to make sure the rule is enforced and undergrads deterred from hogging desirable law-student space. (To be clear, undergrads should be free to attend academic events in the Atrium for personal enrichment).

The SBA Study Lounge

Last, there is the SBA Study Lounge. The purpose of this area is to provide a space for law students to congregate, engage, and study. Students can use the lounge to reach out to their representatives, enjoy study breaks during finals, and attend meetings for student organizations, such as *The Forum*. Unfortunately, reality paints a far different picture. The SBA Study Lounge is a study lounge, but not for law students. Instead, it is a sanctuary city for non-law students, who use the cubicles and tables for their own while our law students cramp into 2M. To add insult to injury, some of these intruders have a sense of entitlement. For example, on several occasions, non-law students hushed *The Forum*'s Editorial Board members when they were talking in the organization's office located in the SBA Study Lounge.

Not all members of the student body see it this way. When asked for comment, outgoing SBA President, Michael Fufidio, referenced the Student Code of Conduct, calling on law students to embody the University's Core Values: Truth, Love, Respect, Opportunity, Excellence, and Service. He highlighted his administration's "hardline stance on undergraduate access to study break giveaways" and restrictive policies during SBA events. Emphasizing that concerns regarding undergraduate use of the Study Lounge were overplayed, he stated, "I am on campus in my office adjacent to the SBA lounge almost every day, and I have never had a problem with the undergrads. In fact," he continued, "they have always been respectful." Going further, he remarked "With friends like Nick DiMarco, is there any surprise I hang out with undergrads?"

In a similar vein, others contend that undergrads are simply using the space that law students won't. Study conditions in the Study Lounge, which is prone to drastic temperature fluctuations, are not ideal, and so law students choose to study elsewhere, the argument goes. To the contrary, law students who choose not to use the Study Lounge do so because it is overpopulated with undergrads. Many law students are not even aware of the cubicles in the Study Lounge, so entrenched is sanctuary city policy of previous SBA administrations. The countervailing arguments assume what they seek to prove, that is, that law students wouldn't use the space if it wasn't already occupied.

Simply put, the status quo is unacceptable. Undergrads are inhibiting the SBA Study Lounge from fulfilling its purpose. The resolution here is simple: a wall, in the form of a keycard lock. Because there is only one access point to the Study Lounge, requiring keycard access is the most effective way to ensure the Study Lounge is used for its intended purpose. There are signs that change is on the way and that the issue is on the administration's radar. Additional signage has been proposed, and redesigning the lounge entrance for "safety and security measures" is being considered.

St. John's undergraduate students should not be second-class citizens in the law school building, but nor should law students be deprived study space they pay to enjoy. The foregoing analysis suggests that both of these propositions can be realized through common sense reform. Only then will law students and undergrads be able to join lunch together, sitting shoulder to shoulder in our wonderful cafeteria, in perfect harmony.

So Where Are We?

Law, Literature, and Poetry: A Conversation with Professor Lawrence Joseph

By: ANTHONY NANIA
Staff Writer

"So where are we?" asks Professor Lawrence Joseph in the title of his sixth published book of poetry. Seemingly simple at first glance, the question involves an introspective analysis of our physical surroundings, personal identities, and ever-changing perspectives. On February 22, 2018, Dean Michael Simons asked a diverse group of faculty, administrators, and students this very question. Gathered together in the Writing Center for the "Law and Literature and Poetry: A Conversation with Professor Lawrence Joseph" event, the literal answer was obvious. And yet, there was a deeper answer to explore. Guided by the 2017-2018 St. John's Law Review Editor-in-Chief, Nick DiMarco ('18), the collective conscience of attendees traversed beyond the room's four walls into the enriching world of Professor Joseph.

Many members of the St. John's family know Professor Joseph as the first-year Torts professor. Yet that is only one of the identities of this great American poet-lawyer-professor extraordinaire. Lawrence Joseph was born in Detroit, Michigan in 1948, a grandson to Lebanese and Syrian Catholics who were among the first Arab immigrants fueling the booming expansion of Detroit. Professor Joseph's Catholic upbringing in Detroit was fundamental in guiding his path toward poetry.

"The history of my family is really the history of Detroit from the beginnings of its growth into the 21st century," said Professor Joseph. "And the Catholicism is crucial." After attending a Jesuit preparatory high school, Professor Joseph studied at the University of Michigan and began to write his first poems. "I took an introduction to poetry class," he said. "During this class, I realized at some point…I don't know why this was, but I felt at one point I wanted to write poetry. And I've been doing it since." Continuing his study of literature, Professor Joseph won a fellowship to attend Cambridge University and studied there for two years before attending the University of Michigan Law School.

Remarking about why he writes poetry, Professor Joseph stated: "You do it because you have to do it. It's a need. It's a compulsion. Poets are compelled to make art." Referring to poets as "sound obsessed," he shared that "it all starts with listening to sounds—sound is extremely important to poets."

Divulging further, Professor Joseph explained how poetry is an "endless process of constant learning and improving" that encompasses the fullness of language and life experiences. This process takes on an identity of its own and is deeply entwined with his poetry. "It becomes a part of what I write in the poems. In other words, the making of the poem becomes part of the subject of the

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Journal of Catholics Legal Studies Hosts Symposium on Christian Legal Thought

By: NICK DiMARCO, Staff Writer and LIAM RAY, Student Contributor

On Friday, January 26th, the Journal of Catholic Legal Studies (JCLS) hosted a symposium on the new casebook Christian Legal Thought: Materials and Cases by Professors Patrick M. Brennan of Villanova University School of Law and William S. Brewbaker III of University of Alabama School of Law. The event, which was held in Manhattan at the New York Athletic Club, brought together students, alumni, and scholars to discuss the impact of the casebook and its place in the legal academy. The Catholic Law Students Association provided additional support for the event.

JCLS Editor-in-Chief Nicholas DiMarco ('18) moderated the first panel discussion, entitled "The Impact of Christian Legal Thought." Professors Angela C. Carmella of Seton Hall Law School, Randy Beck of University of Georgia School of Law, and David A. Skeel of University of Pennsylvania Law School, all of whom have been widely published and cited in the field of law and religion, discussed their reflections on the casebook. These reflections will be published in an upcoming issue of JCLS, with a foreword authored by Liam Ray ('18), the journal's Senior Articles Editor.

The second panel, entitled "The Place of Christian Legal Thought in the Modern Legal Academy," was moderated by Professor Marc O. DeGirolami of St. John's University School of Law and featured panelists Professors Michael P. Moreland of Villanova University School of Law and Richard W. Garnett of Notre Dame Law School, whose reflections will also be published in an upcoming issue of JCLS. Professor Brennan joined the second panel to detail the process of writing the casebook with Professor Brewbaker, and he also offered his response to the day's presentations.

The symposium concluded with a reception that allowed students and attorneys in attendance to mingle with the panelists and share their thoughts on the symposium.

Fear The Walking Dead

Reanimation And The Right Of Publicity

By: ANTONIO GUZMAN-DOMINQUEZ
Managing Editor

Weta Digital's CGI recreation of Paul Walker.

It's December 20, 2019, and Star Wars: Episode IX has just opened. As the movie unfurls, you see Mark Hamill reprise his classic role of Luke Skywalker. Then, Billy Dee Williams' Lando Calrissian makes a surprise appearance. Nothing extraordinary. And then it happens. Carrie Fisher, Princess Leia herself, walks across the screen and takes over the movie. To an unassuming audience member, everything seems normal, but you know better. How can this be? Carrie Fisher died three years ago. That's not her you're seeing; it's a digital clone designed to fool you into believing. And for a second, you did. Carrie Fisher was back, and Star Wars was great again.

Lest this anecdote appear too far-fetched, know that it is not far from the truth: In 2005, it was Laurence Olivier who was brought back to digital life in Sky Captain and the World of Tomorrow. The following year came Marlon Brando in Superman Returns. Early efforts were impressive, but the seams showed. Then, a decade later, it became Paul Walker in Furious 7. And, finally, Peter Cushing made the prospect seem utterly believable when his posthumous appearance in Rogue One convinced audiences that they were watching an actual human being onscreen. The digital resurrection or "reanimation" of actors is nothing new to Hollywood, but with the advancement of technology, its increasing realism, and decreasing costs, this is only the beginning. While the technology may help us achieve awe inspiring things, it raises some important questions: Who gets to control that digital clone? What legal protections, if any, do these dead celebrities have over those who might use their images in this way? Should they maintain control of their carefully built images after their deaths or should they belong to the public?

The legal concept that best addresses these questions is the right of publicity, which can best be defined as the "right of every human being to control the commercial use of his or her identity." That way, each person can serve as the gatekeeper to the exploitation of his or her image. While this right is one that every person has, it is one that disproportionately affects celebrities due to the high commercial value of their identities.

For time immemorial, celebrities have had to deal with the problem of sharing their images with the public. But reanimation cases pose a unique set of problems that expose celebrities to new forms of exploitation without giving them any form of control or compensation. Primarily, many states, including New York, do not recognize a post-mortem right of publicity. Any cause of action a celebrity may have had during her lifetime thus terminates at her death, and anyone is free to use her image in those states. This is significant, given that many of the digital uses of actors in film have so far concerned deceased actors. Thus, under the current regime, Carrie Fisher, or any deceased celebrity, could star (via digital clone) in almost any movie imaginable without any say in the matter.

This raises important moral implications. Sometimes, a posthumous reanimation can be accomplished in a consciously careful and respectful manner. For example, in Furious 7, Paul Walker's family consented to his reanimation after the actor's tragic death during filming. In fact, Walker's brothers stood in as body doubles and were scanned as references from which a realistic digital Walker could be built. The reanimation was subsequently sold by Universal, the distributors of the film, as something that Walker would have wanted, a move that is not uncommon in these situations.

Peter Cushing (left) and ILM's CGI recreation of Cushing (right).

As one commentator eloquently explains, "[E]thically speaking, completions are framed as salvaging the last precious frames of a lost actor's creativity: these are seen as final performances rather than new ones." The close involvement of an actor's artistic collaborators and family members adds a sense of legitimacy to the reanimation that is absent in cases of "pure" reanimation, where an actor has no prior say in his involvement with a project.

But even cases where the family of the celebrity—but not the celebrity himself—is involved in the reanimation are not immune to criticism. One particularly controversial—some would say egregious—example of this is Johnnie Walker's TV commercial featuring Bruce Lee. At a glance, few problems are apparent in the commercial. The animation is remarkably well done, and the ad also features good marketing: the image of cool that Lee represents matches the image Johnnie Walker wants to present to its customers. But Bruce Lee did not drink alcohol. Lee abstained because he thought that drinking had the potential to cause problems in the home, and he personally did not want any part in it. Would Lee ever feel comfortable peddling scotch? Many devoted fans would say no; his daughter thought otherwise and approved of the commercial. Facing these questions, some have concluded that the public is ultimately the best custodian of a celebrity's image.

Yet as disquieting as these uses may sometimes seem, it is unlikely that they will go away. Hollywood is an industry that has long been centered around exploiting celebrities. The degree of this dependence has been so great it was dubbed the "star system."

And the public's interest in celebrities does not dissipate at their deaths; if anything, it increases. Curiosity surrounding the deaths of Prince and David Bowie placed them at the top of Forbes' highest paid dead celebrities in 2016. A similar effect helped make Furious 7 the highest grossing film of its franchise. While Fast and Furious 6 earned $787 million worldwide, the seventh installment far outperformed its predecessor and made $1.5 billion, in no small part to the death of Paul Walker: This effect also boosted the The Dark Knight's box office after the death of Heath Ledger. People will pay for the value that a celebrity—any celebrity, alive, recently deceased, or long-dead—can provide. The exploitation of celebrities will continue. And it needs to be addressed.

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Sales? Broker? Author? Alternative Careers For Law Grads

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Legal Sales Representative

We all owe a serious debt to our Lexis and Westlaw representatives that were available to answer our random, often misguided, research questions when we hit a wall. What law students tend to forget is that these reps are required to have a thorough knowledge of the legal field, as well as top-notch research and interpersonal skills.

Legal sales is an appealing alternative for anyone who enjoys client interaction and flexible hours. Representatives are generally in constant communication with major law firms and law schools to help attorneys and law students get over their research-based hurdles. A major part of a career in legal sales involves building a relationship with a client; the best way to ensure an account is renewed is to keep up with a client's needs and ensure their satisfaction with the product by keeping in touch.

Real Estate Broker

New York City has one of the best real estate markets in the country. It is always in demand and price seem to continue to soar, even as the economy dips. Attorneys are already a few steps ahead of the general population when it comes to breaking into the real estate field.

First, attorneys are trained to spot contractual and legal nuances that non-legally educated people may miss. Therefore, we are an automatic asset to both real estate professionals and potential buyers. Second, those admitted to practice law in New York are exempt from the educational, experience, and examination requirements necessary to secure a broker's license. All you need to do is submit a completed application and fee, and indicate on your application that you are admitted to the New York State bar.

Author

Law school and life experience have emphasized an important fact of life: words matter. Whether you are sending a quick email to a professor, or composing a letter to a client, the way you express yourself in writing becomes a defining part of your professional, and personal, image. Law school understands the importance of training good writers, and so we are forced to take legal writing classes and drafting classes, and some of us even put ourselves through more torture by taking part in the writing competition to join a journal. Why not put all of that literary training to good use by getting paid for your belletristic abilities?

Perhaps you've heard of a man named John Grisham, whose authored 37 novels to date, which have been translated into 42 languages? He started out as a lawyer and then realized that he could use his writing capabilities and legal knowledge to reach the masses. He has even written a series of young adult books in the hopes of encouraging the younger generation to take an interest in the law.

If creative fiction writing isn't your thing, you could certainly look into a career in journalism. Legally-trained minds are always an asset in interpreting new laws or court rulings which affect everyday citizens. Businesses also employ legal writers as editors and even content creators because of their scrutinizing eyes for grammatical mistakes and mastery of language.

An even more niche non-fiction route is the "law-school-guide" industry. Right before you started your 1L year, how many books did you see floating around with a title that guaranteed success in law school? To write one of those how-to books, you would probably need experience in law school to be somewhat credible. This option is a personal favorite because of its versatility; law school students can excel at writing anything, if they've got the mind to do it.

These are just a smattering of alternative career opportunities available to law school graduates. If you've got the wherewithal, you can transition into any field your imagination can reach, and the legal skills you've gained at St. John's will help move you forward.

Fear The Walking Dead

Reanimation And The Right Of Publicity

Carrie Fisher (right) and ILM's CGI recreation of Fisher (left).

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Reanimation technologies have allowed for deceased actors to be exploited in ways that simply were not possible twenty or even ten years ago. The image of an actor no longer dies with the actor. Instead, these images retain economic value, leaving the question of who should benefit. A celebrity's image is only valuable at her death because of all the hard work she put into it during her life. Actors and artists put in this hard work with the knowledge that they will be adequately compensated for it; they should get to reap the rewards of that work.

As a corollary, celebrities should be able to choose the person who will continue to benefit from their work after they die. The person they choose would not be getting an undeserved "windfall," as one commentator suggests. She would get value that was earned by the celebrity during her lifetime. But where there is no post-mortem protection, a member of the public, for example, a concert's producer seeking to capitalize on Prince's fame for a Super Bowl halftime show, would be able to get a windfall from the value of an image she did nothing to build.

Treating the right of publicity as a descendible interest would allow actors to dictate how their image ought to be used, and it would allow them to designate the person who will best carry on their legacy moving forward after their death. Many of the moral concerns about post-mortem uses would be abated. A celebrity's image, her legacy, which she worked hard throughout her career to build, would be in her own hands. Celebrities, their families, and their fans would be able to rest easy.

In 1902, a young woman named Abigail Roberson sued the flour company that used her image in their advertisements without her permission. A troubled New York court dismissed her case, finding no common law grounds to grant her relief. To remedy this injustice, the New York legislature immediately enacted a law that would protect the right of a person to control her own image. Over one hundred years later, due to the expanded possibilities of exploiting deceased celebrities, a similar injustice has arisen again. The legislature should not be afraid to step in to correct it. New York should adopt a post-mortem right of publicity.

So Where Are We?

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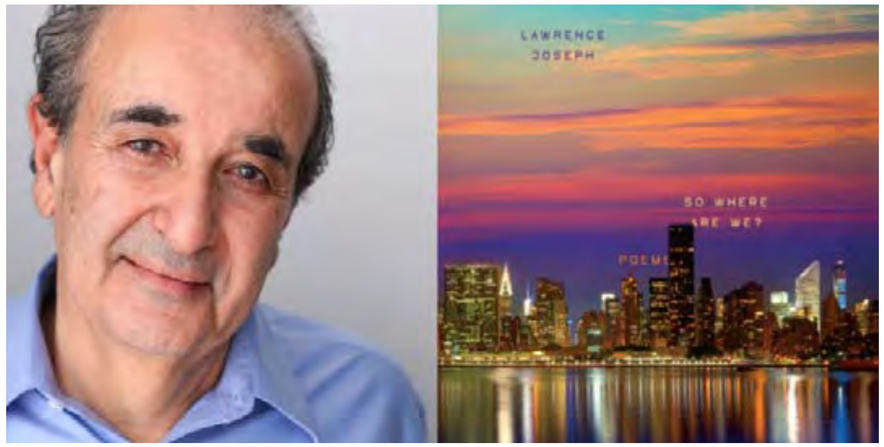

poem. The poet identity is in the poem from the very beginning." Moreover, this identity takes on additional forms in other aspects of Professor Joseph's being—including his lawyer identity.

"My experiences in Detroit. My family's experiences in the state of New York. I have always been concerned with identity. Because my imagination, my life, has multiple identities…which we all have, depending on the environments we are in."

Comparing his identities of poet and lawyer, Professor Joseph explained how they are "two different types of concentrated areas of language." They share this essential similarity: "Law is language. There is no law without language. The big difference lies in the political system of the law; a remarkable language system that is rooted in politics and power." Professor Joseph emphasized how lawyers pay careful attention to language, out of necessity, and highlighted Dean Simon's comparison of poetry to statutes.

"Reading a statute is like reading a poem," explained Dean Simons. "Every word. Every line. Every piece of punctuation has meaning." Building further upon this statement, Professor Joseph explained how statutes are language and need to be interpreted in a careful and arduous manner. "It's similar to reading poetry," said Professor Joseph, "because poetry is difficult and you have to pay attention to every word. But poetry has different payoffs. Poetry deals with emotion and feelings, while the law deals with a particular type of question." Depending on his environment, Professor Joseph engages either his poetic or legal imaginative framework. "I have been doing both for a very long time, and they have become part of the same imagination. They feed off one another, but they also compete."

Reflecting on his decision to pursue a law degree instead of a higher degree in literature, Professor Joseph detailed his grooming as a lawyer by his uncle and older brother. "I like language," he said. "I think it is imaginative. I like the way the world operates. And not all poets care. A lot of them do, and I am among those who do." Always being intrigued by the social world, he discovered that people with strong social imaginations tend to be lawyers. This draw to the social imagination has been with Professor Joseph from the beginning.

"When I am forming thoughts about what may become poems one day, I am forming thoughts about the social world," said Professor Joseph. "And poems have an additional interior world, where the law is an exteriorized language." He added, "We all bring our interior lives to it. But we are always in context." In this light, and with the enormous support of the University of Michigan, Professor Joseph also began his scholarly writings on Tort and Labor law. His law professors acknowledged the poet within him, and through these ties, Professor Joseph began an active involvement in Law and Literature. His recognition in the literary world, which included winning the Agnes Lynch Starrett Poetry Prize for his book Shouting at No One, amplified his legal scholarship. Professor Joseph has excelled at both law and literature since.

After sharing his illuminating history, Professor Joseph read several poems from his works throughout the years. He ended the evening with one of his favorite poems, And for the Record, a work that uniquely ties together his poet and lawyer personas:

Revelations reoccurring, he who is babbling away
in James Madison Plaza, in what goes around,
what comes around, light made holy by the fury
of the tears with which it mingles, simple enough,
when looked at directly, the child, shy and fearful,
who won't speak. And for the record, the mind,
like the night, has a thousand eyes—
sparrows in the bushes; a small cat
rolls in the snow; sleet pounding the windows.
In the space of a memory, the façade of a church,
an angel on each side of a fiery wheel.

With these final words spoken, the collective conscience transported back into the comfort of the Writing Center to enjoy refreshments and discussion. Thank you, Professor Joseph, for sharing your story, insight, and world as a poet, lawyer, and… So Where Are We?

"Regulating Firearms" Is Not a Euphemism

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ammunition they can discharge would be an effective step in the right direction. Currently, the types of ammunition the AR-15 and its variants can shoot are innumerable, and diminishing that capacity may prove conducive to public safety. If the bullets used at Marjory Stoneman Douglas had only killed fifteen of the victims instead of seventeen, at the very least, there would be two more survivors. Moreover, this would only apply to gas-operated, semi-automatic assault rifles, and not to hunting rifles, meaning that hunters would still be able to shoot for sport, pursuant to state law, uninhibited by inadequate ammunition.

Voluntary Assault Rifle Bans by the States. While a federal regulation banning all assault rifles may be too overreaching, states that feel otherwise are entirely capable of legislating accordingly. State, rather than federal, regulations in this regard are ideal, because they are more likely to convince those wary of interference from Washington to implement their own narrowly tailored gun-control measures. It is worth noting that had Stephen Paddock—the man responsible for the Las Vegas concert massacre last October—been using a hunting rifle or pistol when shooting out of the 32nd floor of the Mandalay Bay, which obviously can't be augmented with bump stocks, there may have been fewer casualties.

More Thorough Background Checks. A more consolidated and streamlined background-check system would, in many circumstances, provide law enforcement with useful information concerning possible offenders before they are given the chance to harm people. Those who have not been convicted of any violent offenses and do not suffer any mental illnesses should have no problem purchasing firearms, while those who have and those who do will be prevented from accessing them. Even if an expanded background-check system proves intrusive within the loose parameters set out above, wouldn't such a system be worth adopting if it stops even one more mass shooting?

Considering the pronounced public safety concerns at hand, placing limitations on the types of weapons and ammunition civilians can purchase is not a restriction on freedom. Instead, enacting such regulations would be the sensible response to our current reality.

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